IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHIRE LLC, Plaintiff, v. AMERIGEN PHARMACEUTICAL LIMITED, Defendants.	Civil Action No. 1:14-cv-06095-RMB-JS

JUDGMENT AND ORDER OF PERMANENT INJUNCTION

This action for patent infringement having been brought by Plaintiff Shire LLC ("Shire") against Defendants Amerigen Pharmaceutical Limited ("Amerigen") for infringement of United States Reissued Patent Nos. RE41148 and RE42096 (the "Litigated Patents");

Amerigen acknowledges that selling, offering for sale, using or importing into the United States a pharmaceutical composition containing mixed amphetamine salts for the treatment of Attention Deficit Hyperactivity Disorder under Abbreviated New Drug Application No. 205401 (the "ANDA Product") would infringe each of the Litigated Patents in the absence of a license; and

Amerigen acknowledges, subject to the limitation herein, that the Litigated Patents, and all the claims contained therein, are valid and enforceable.

Shire and Amerigen now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties and subject matter of this action.

2. Amerigen would infringe each of the Litigated Patents by using, making, selling, offering to sell, or importing the ANDA Product in the United States.

3. The Litigated Patents, and all the claims contained therein, are valid and enforceable.

4. All affirmative defenses, claims and counterclaims which have been or could have been raised by Amerigen in this action with respect to the Litigated Patents are dismissed with prejudice.

5. Except as authorized or licensed by Shire, Amerigen, its officers, agents, servants, employees, affiliates, successors and all persons in active concert or participation with Amerigen, are permanently enjoined from using, offering for sale, making, selling, or manufacturing in the United States, or importing into the United States, the ANDA Product or inducing or assisting others to use, offer for sale, make, sell, or manufacture in the United States, or import into the United States, the ANDA Product.

6. In any other or future cause of action or litigation in the United States, Amerigen shall not dispute that the Litigated Patents are each infringed by using, making, selling, offering to sell, or importing the ANDA Product.

7. In any other or future cause of action or litigation, Amerigen shall not dispute that all the claims of the Litigated Patents are valid and enforceable in all respects.

8. The foregoing injunctions against Amerigen shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue until the expiration of the Litigated Patents.

9. This Judgment and Order is binding upon and constitutes claim preclusion and issue preclusion with respect to validity and enforceability of the Litigated Patents, and infringement by the ANDA Product of the Litigated Patents between the Parties in this action or in any other action between the Parties.

10. Amerigen hereby agrees not to aid, abet, assist, enable or participate with any third party in a challenge to the validity or enforceability of the Litigated Patents.

11. Nothing herein prohibits or is intended to prohibit Amerigen from making or maintaining a "Paragraph IV Certification" pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) (including as amended or replaced) or pursuant to 21 C.F.R. § 314.94(a)(12) (including as amended or replaced) with respect to the ANDA Product.

12. The parties waive all right to appeal from this Judgment and Order.

13. Each party is to bear its own costs, expenses, and attorneys' fees.

Dated: April 24, 2017

By: *s/ Cynthia S. Betz*

Attorneys for Plaintiff
Shire LLC

By *s/ Karen A. Confoy*

Attorneys for Defendant
Amerigen Pharmaceutical Limited

SO ORDERED

Dated: April 24, 2017

Renée Marie Bumb

THE HON. RENEE M. BUMB
UNITED STATES DISTRICT JUDGE